

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-20 are pending. Of these, claims 1, 4, 10, 15 and 17 are independent. All of the pending claims stand rejected. By this paper, claims 6-11, 14, 16 and 18-20 are canceled without prejudice or disclaimer. Claims 1-5, 12, 13, 15 and 17 are amended. No new matter is introduced by these amendments.

Title of the Invention

The title of the invention has been amended to correct the typo, i.e., the term “ophthalmologic” has been amended to read -- ophthalmologic --.

Rejection Under 35 U.S.C. §102(b) and §103(a)

Claims 1, 8, 10-12, 15 and 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,912,720 to Berger et al. (“Berger”). Claims 2-7, 9, 13, 14, 16 and 18-20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berger in view of the admitted prior art.

Claims 6-11, 14, 16 and 18-20 are canceled thereby rendering the rejections directed to these claims moot.

The Examiner indicates, *inter alia*, that Berger inherently discloses the “device information generation means” of the present invention because “in order for a device to be in communication with a processor (computer, CPU, etc.) the image pick up device which is being

connected to the processor must have information generation means for generating device information to identify the device...”

First of all, as Applicant understand it, the identity information of a device is conventionally assigned to the device in advance by, e.g., a manufacturer, and a user is not normally allowed to re-configure it. In other words, the device information in a conventional device is believed not inherently “generated” by a generation means as specifically recited in the claims of the present application.

Nonetheless, independent claims 1, 15 and 17 are amended for further clarification. In particular, amended claim 1 recites, *inter alia*, that “the output unit” adds the image pickup device information to the image data of eye fundus. Other amended independent claims 15 and 17 recite similar features to claim 1 as discussed herein. Support for the amendment may be found, e.g., page 9, line 7 through page 10, line 8 of the specification as originally filed.

One of the aspects of the present invention “adds” the image pickup device information to the image data of eye fundus so that the image processing device performs different image processing based on the image pickup device information. For example, Fig. 4 of the present application shows that the device information is added to the image data. If the device information generated by the device information generation means is, e.g., “T0001”, based on the determination by the device information determination means, the image processing device do not performs the horizontal reverse and vertical reverse, and it is unnecessary to synthesize the aperture mask. Also, the color image is converted into the white-and-black image, the γ characteristic is adjusted, and the contrast processing is performed. See, e.g., page 11, lines 9-20 of the original specification.

Applicant believes that Berger is silent on the above aspect of the present invention. In other words, even if the device information is inherently generated in the Berger's device, it still does not teach that the device information is added to the image data for a transmission.

The admitted prior art is cited as disclosing that the device information includes information regarding vertical or horizontal reversing processing of the image data. However, it is clear that the admitted prior art does not teach the above aspect of the present invention, i.e., the output unit is configured to add the image pickup device information to the image data of eye fundus as specifically recited in the amended claims.

Accordingly, each of claims 1, 15 and 17 as amended is believed neither anticipated by nor rendered obvious in view of the cited reference (i.e., Berger and the admitted prior art), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 15 and 17 under 35 U.S.C. §102(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Also, Applicant has not specifically addressed the rejections of all of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

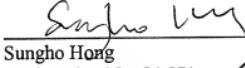
A petition for a one-month extension of time along with the associated fee is enclosed, extending the date for responding until December 20, 2007. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 1232-5360). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 20, 2007

By:


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